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SENATE BILL 457

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO PROCUREMENT; INCREASING THE LIMITS FOR EXPENDITURES  
FOR COMPETITIVE SEALED BIDS AND FOR SMALL PURCHASES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-1-104 NMSA 1978 (being Laws 1984,  
Chapter 65, Section 77, as amended) is amended to read:

"13-1-104. COMPETITIVE SEALED BIDS--PUBLIC NOTICE.--

A. An invitation for bids or a notice thereof shall  
be published not less than ten calendar days prior to the date  
set forth for the opening of bids. In the case of purchases  
made by the state purchasing agent, the invitation or notice  
shall be published at least once in at least three newspapers  
of general circulation in this state; in addition, an  
invitation or notice may be published electronically on the  
state purchasing agent's web site that is maintained for that

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1 purpose. In the case of purchases made by other central  
2 purchasing offices, the invitation or notice shall be published  
3 at least once in a newspaper of general circulation in the area  
4 in which the central purchasing office is located. These  
5 requirements of publication are in addition to any other  
6 procedures that may be adopted by central purchasing offices to  
7 notify prospective bidders that bids will be received,  
8 including publication in a trade journal, if available. If  
9 there is no newspaper of general circulation in the area in  
10 which the central purchasing office is located, such other  
11 notice may be given as is commercially reasonable.

12 B. Central purchasing offices shall send copies of  
13 the notice or invitation for bids involving the expenditure of  
14 more than [~~twenty thousand dollars (\$20,000)~~] thirty thousand  
15 dollars (\$30,000) to those businesses that have signified in  
16 writing an interest in submitting bids for particular  
17 categories of items of tangible personal property, construction  
18 and services and that have paid any required fees. A central  
19 purchasing office may set different registration fees for  
20 different categories of services, construction or items of  
21 tangible personal property, but such fees shall be related to  
22 the actual, direct cost of furnishing copies of the notice or  
23 invitation for bids to the prospective bidders. The fees shall  
24 be used exclusively for the purpose of furnishing copies of the  
25 notice or invitation for bids of proposed procurements to

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1 prospective bidders.

2 C. A central purchasing office may satisfy the  
3 requirement of sending copies of a notice or invitation for  
4 bids by distributing the documents to prospective bidders  
5 through electronic media. Central purchasing offices shall not  
6 require that prospective bidders receive a notice or invitation  
7 for bids through electronic media.

8 D. As used in this section, "prospective bidders"  
9 includes persons considering submission of a bid as a general  
10 contractor for the construction contract and persons who may  
11 submit bids to a general contractor for work to be  
12 subcontracted pursuant to the construction contract. Central  
13 purchasing offices shall make copies of invitations for bids  
14 for construction contracts available to prospective bidders. A  
15 central purchasing office may require prospective bidders who  
16 have requested documents for bid on a construction contract to  
17 pay a deposit for a copy of the documents for bid. The deposit  
18 shall equal the full cost of reproduction and delivery of the  
19 documents for bid. The deposit, less delivery charges, shall  
20 be refunded if the documents for bid are returned in usable  
21 condition within the time limits specified in the documents for  
22 bid, which time limits shall be no less than ten calendar days  
23 from the date of the bid opening. All forfeited deposits shall  
24 be credited to the funds of the applicable central purchasing  
25 office."

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1           Section 2. Section 13-1-125 NMSA 1978 (being Laws 1984,  
2 Chapter 65, Section 98, as amended) is amended to read:

3           "13-1-125. SMALL PURCHASES.--

4           A. A central purchasing office shall procure  
5 services, construction or items of tangible personal property  
6 having a value not exceeding [~~twenty thousand dollars~~  
7 ~~(\$20,000)~~] thirty thousand dollars (\$30,000) in accordance with  
8 the applicable small purchase regulations adopted by the  
9 secretary, a local public body or a central purchasing office  
10 that has the authority to issue regulations.

11           B. Notwithstanding the requirements of Subsection A  
12 of this section, a central purchasing office may procure  
13 professional services having a value not exceeding fifty  
14 thousand dollars (\$50,000), excluding applicable state and  
15 local gross receipts taxes, except for the services of  
16 landscape architects or surveyors for state public works  
17 projects or local public works projects, in accordance with  
18 professional services procurement regulations promulgated by  
19 the department of finance and administration, the general  
20 services department or a central purchasing office with the  
21 authority to issue regulations.

22           C. Notwithstanding the requirements of Subsection A  
23 of this section, a state agency or a local public body may  
24 procure services, construction or items of tangible personal  
25 property having a value not exceeding ten thousand dollars

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1 (\$10,000) by issuing a direct purchase order to a contractor  
2 based upon the best obtainable price.

3 D. Procurement requirements shall not be  
4 artificially divided so as to constitute a small purchase under  
5 this section."

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